PATENT
Attorney's Docket No. 4346P001X

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Elliot A. Gottfurcht, et al.)   Examiner: Thomas J. Joseph
)
Serial No. 09/518,015)   Art Group: 2174
)
Filed: March 3, 2000)
)
For: AN APPARATUS AND)
METHOD FOR SIMPLE WIDE-)
AREA NETWORK NAVIGATION)
_____)

APPEAL BRIEF

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants, (hereinafter "Appellants") submit, in triplicate, the following Appeal Brief

pursuant to 37 C.F.R. § 1.192 for consideration by the Board of Patent Appeals and Interferences.

Appellants also submit herewith a check in the amount of $160.00 to cover the cost of filing the

opening brief as required by 37 C.F.R. § 1.17(f). Please charge any additional amount due or

credit any overpayment to deposit Account No. 02-2666.

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I. REAL PARTY IN INTEREST

Grant E. Gottfurcht and Albert-Michel C. Long, assigned their rights to the invention disclosed in the subject application through an Assignment recorded on March 3, 2002, at reel and frame 010606/0490 to Elliot A. Gottfurcht, the third inventor. Elliot A. Gottfurcht assigned a twenty five percent interest in the subject application to the Marlo Longstreet 2003 Irrevocable Trust, whose trustee Marlo L. Longstreet, resides at 8267 W. 4th Street, Los Angeles, California 90048 via a second assignment. Elliot A. Gottfurcht assigned a twenty five percent interest to Grant E. Gottfurcht 2003 Irrevocable Trust, whose trustee Grant E. Gottfurcht resides at 433 Puerto Del Mar, Pacific Palisades, CA 90772 via a third assignment. The second and third assignments have been filed with the Assignment Division of the U.S. Patent and Trademark Office, but have not, at the time of filing this Appeal Brief, been given a reel and frame location. Therefore, Elliot A. Gottfurcht, the Grant E. Gottfurcht 2003 Irrevocable Trust and the Marlo Longstreet 2003 Irrevocable Trust are the real parties in interest.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS

Claims 1-48 are pending in the application. Claims 11-22 are withdrawn from consideration. The Examiner has rejected claims 1-10 and 23-48. Appellants appeal the rejection of claims 1-10 and 23-48.

IV.   STATUS OF AMENDMENTS

No amendments were submitted after the issuance of the Final Office Action mailed on June 4, 2003.

V.   SUMMARY OF THE INVENTION

The embodiments of the invention provide a process for providing a simplified navigation interface for a webpage. Page 5, lines 18-22. The simplified navigation interface is provided by a sister site. Page 5, lines 20-22. The simplified navigation interface may be provided by converting the webpage to a matrix format. Page 5, line 22 through page 6, line 1. The simplified navigation interface may display an alphanumeric indication of a navigation option (e.g., display a '1' as a navigation option). Page 17, lines 9-17. The method may include accepting as an input alphanumeric indication of a navigation option. Page 17, lines 9-17. The method may include reformatting a webpage by a sister site in order to produce the simplified navigation interface including transcoding a hypertext markup language (HTML) page into extensible markup language (XML) page, as well as applying a document type definition (DTD) to the XML page. Page 7, lines 4-8. The XML page may also be formatted using extensible style language (XSL). Page 7, lines 8-10. The formatted page may be transformed into an extensible hypertext mark-up language (XHTML) or HTML page. Page 7, lines 10-12. This HTML page may also have a cascading style sheet (CSS) applied to it. Page 7, lines 13-16.

The simplified navigation options provided by the interface may include primary navigation options which are navigation options that necessarily change between successive matrix layers, changing from general to more specific with increases in depth in the matrix. See page 16, lines 17-19. Purchasing information may be displayed via a matrix layer. Page 20, lines 11-15. A navigation interface may include an email form. Page 21, lines 15-20. The navigation interface may include a multi-layered matrix wherein each matrix layer includes multiple cells. Page 20, lines 1-13. The webpage may contain commercial content. Page 19, lines 7-17.

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The simplified navigation interface may be displayed using a television set that has a remote control or by a portable wireless device. Page 12, lines 17-20. The sister site providing the simplified navigation interface may be a server on a network. Page 14, lines 5-7.

VI.   ISSUES

The issues involved in this Appeal are as follows:

A.   Are claims 1, 6 and 25 unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,801,702 issued to Dolan, et al. ("Dolan") in view of U.S. Patent No. 5,911,145 issued to Arora, et al. ("Arora")?

B.   Are claims 2, 7, 43 and 44 unpatentable under 35 U.S.C. § 103(a) over Dolan in view of Arora and in further in view of U.S. Patent No. 6,388,714 issued to Schein, et al. ("Schein")?

C.   Are claims 3-5 and 8-10 unpatentable under 35 U.S.C. § 103(a) over Dolan in view of Arora and further in view of "Going from HTML to XML," Charles Heinemann, Microsoft Corporation (1998) ("Heinemann") and U.S. Patent No. 6,418,441 issued to Call ("Call")?

D.   Are claims 23, 24, 26 and 27 unpatentable under 35 U.S.C. §103(a) over Dolan in view of Arora and in further view of U.S. Patent No. 6,476,875 issued to Croÿ, et al. ("Croÿ")?

E.   Are claims 28-38, 40-42, 47 and 48 unpatentable under 35 U.S.C. §103(a) over Dolan in view of Arora and in further view of U.S. Patent No. 6,460,181 issued to Donnelly ("Donnelly")?

VII.   GROUPING OF CLAIMS

All of the claims do not stand or fall together. Rather, Appellants contend that the claims can be divided into the following groups and each group is separately patentable:

Group I -   Claims 1, 6 and 25

Group II -   Claims 2 and 7

Group III -   Claims 43 and 44

Group IV -   Claims 3, 4, 5 and 8-10

Group V -   Claims 23, 24, 26 and 27

Group VI -   Claims 28, 31, 32, 37 and 38

Group VII -   Claims 29 and 30

Group VIII -   Claims 33, 34, 47 and 48

Group IX -   Claims 35 and 36

Group X -   Claim 39

Group XI -   Claims 41 and 42

Group XII -   Claims 45 and 46

Group XIII -   Claims 40

The basis for the separate patentability of the groups is set forth below.

VIII. ARGUMENT

The Examiner has rejected claims 1, 6 and 25 as unpatentable under 35 U.S.C. §103(a)

over Dolan (U.S. Patent No. 5,801,702) in view of Arora (U.S. Patent No. 5,911,145), claims 2,

7, 43 and 44 as unpatentable under 35 U.S.C. 103(a) over Dolan in view of Arora and in further in

view of Schein (U.S. Patent No. 6,388,714), claims 3-5 and 8-10 as unpatentable under 35

U.S.C. § 103(a) over Dolan in view of Arora and in further view of Heinemann ("Going from

HTML to XML," Charles Heinemann, Microsoft Corporation (1998)) and Call (U.S. Patent No.

5,418,411), claims 23, 24, 26 and 27 as being unpatentable under 35 U.S.C. §103(a) over Dolan

in view of Arora and in further view of Croÿ (U.S. Patent No. 6,476,875), claims 28-38, 40-42,

47 and 48 as unpatentable under 35 U.S.C. §103(a) over Dolan in view of Arora and in further

view of Donnelly (U.S. Patent No. 6,461,181), claims 39, 45 and 46 as being unpatentable under

35 U.S.C. 103(a) over Dolan in view of Arora and Schein and in further view of Donnelly.

A. Overview of the Prior Art

1. Overview of Dolan

Dolan teaches a local application for generating a hierarchical graph of files on a network. Dolan, col. 4, lines 55-68. Each file is represented by a graphical icon. Dolan, col. 4, lines 55-68. The hierarchical graph is generated by parsing a file (e.g., an HTML document) retrieved over a network to determine which additional files are referenced in the retrieved file. Dolan, col. 3, lines 27-30. Files referenced in a retrieved file are linked in a hierarchical graph as children of the retrieved file while the file itself that is retrieved may be linked as a child to a parent file which references it. Dolan, col. 5, lines 41-49. The local application stores the hierarchy data in a local navigation file and displays it in a viewing window. Dolan, Figures 3 and 4, col. 5, lines 1-33, col. 8, lines 20-28.

Dolan does not teach providing a webpage that is associated with a sister site or providing a simplified navigation interface for a webpage by a sister site. Dolan does not teach a simplified navigation interface which utilizes a matrix layer or accepting alpha numeric indication of a navigation option that is displayed in the navigation interface.

2. Overview of Arora

Arora teaches a software application that provides a drag and drop interface for designing a website hierarchy. See col. 2, lines 15-22. The software application of Arora allows the user to define a hierarchy for a website by using a set of icons representing each page in the website. Arora, col. 6, lines 44-57. The software application of Arora uses the information in the hierarchy to generate a set of links to insert in the page layout of each webpage of the web site that link the webpages of the website to one another. Arora, col. 8., lines 13-30. The application of Arora uses an intermediate working data structure, a matrix, stored in memory to organize all of the objects of the webpages of the website in order to turn the webpages designed by the user into HTML by generating an HTML table containing all of the elements of the webpage. Arora, col. 13, lines 18 through col. 14, lines 62.

Arora does not teach providing a webpage associated with a sister site that provides a simplified navigation interface for that webpage. Arora does not teach utilizing alphanumeric indications as navigation options for serving a matrix layer corresponding to the navigation options.

3.   Overview of Schein

Schein teaches a system and method for providing television schedule information. Schein, col. 2, lines 20, 21. Schein provides a program guide that may be viewed on a television screen. See Schein, col. 2, lines 35-38. Television schedule data is displayed in a grid on the screen. Schein, col. 5, lines 50-55. A user may select an entry in a grid by scrolling through the grid vertically and horizontally to indicate the item to be selected. Schein, col. 17, lines 30-40. Selecting an item in the grid may result in a submenu dialogue, panel or action to occur in response. Schein, col. 17, lines 39 and 40.

Schein does not teach providing a webpage associated with a sister site. Schein does not teach providing a simplified navigation system for a webpage. Schein does not teach accepting an alphanumeric indication of the navigation option in a simplified navigation interface for a webpage. Schein does not teach serving a matrix layer corresponding to a navigation option.

4.   Overview of Heinemann

Heinemann teaches an introduction to extensible mark-up language (XML). Page 1 of Heinemann. This introduction includes a basic description of authoring an XML document. Page 2 of Heinemann. Heinemann teaches how to write an exemplary HTML table as an XML document. See page 2 through 3 of Heinemann. Heinemann discusses the basic tree-type structure of an XML document. The discussion of converting an HTML documented to an XML document contained in Heinemann is a specific example of generating manually an XML document to represent data roughly equivalent to an HTML document.

Heinemann does not teach providing a webpage associated with a sister site. Heinemann does not teach providing a simplified navigation interface for a webpage by the sister site.

Heinemann does not teach accepting an alphanumeric indication of a navigation option.
Heinemann does not teach serving a matrix layer corresponding to a navigation option.
Heinemann does not teach transcoding HTML page into an XML page or applying a document typed definition (DTD) to the XML page.

5.   Overview of Call

Call teaches a method and apparatus for disseminating product information over the Internet based on a Universal Product Code. See Abstract, Call. Call teaches a system where product manufacturers store information about their products in XML format on servers on the Internet. Call, col. 2, lines 9-16. An individual may access information about a product by using a product code translator, which translates an initial product code into an address on the Internet which contains information about that product from the stored information on the servers. Call, col. 4, lines 20-34. A web register module is employed to provide an interface between a sales server and an inventory control system to provide product information to an Internet shopper. See col. 27, lines 14-35.

Call does not teach providing a webpage associated with a sister site. Call does not teach providing a simplified navigation interface for a webpage by the sister site. Call does not teach serving a matrix layer corresponding to a navigation option. Call does not teach transcoding a HTML document into an XML document.

6.   Overview of Croÿ

Croÿ teaches a device for viewing video programming and monitoring or controlling electronic devices. See col. 2. lines 25-27. The device includes a base unit having a microcontroller and interface for sending or receiving external information. See Croÿ, col. 2, lines 30-34. The device includes a handheld remote device that communicates with the base unit, which includes a display component for displaying a portion of the external information received from a data interface of the base unit. Croÿ, col. 2, lines 34-40.

Croÿ does not teach providing a webpage associated with a sister site or simplified navigation interface for the webpage. Croÿ does not teach accepting an alphanumeric indication of a navigation option displayed by a simplified navigation interface. Croÿ does not teach serving a matrix layer corresponding to a navigation option.

7.   Overview of Donnelly

Donnelly teaches an information system capable of notifying and alerting a viewer when new or previously unavailable channels or services become available. Donnelly, col. 1, lines 40-44. This system displays a list of newly added channels provided by a service provider. Donnelly, col. 1, lines 48-51. This list may be accessed by selection of a new service icon or when a schedule guide is accessed. Donnelly, col. 1, lines 51-55.

Donnelly does not teach providing a webpage associated with a sister site or a simplified navigation interface for a webpage provided by the sister site. Donnelly does not teach accepting an alphanumeric indication of the navigation option displayed by the navigation interface provided by a sister site. Donnelly does not teach serving a matrix layer corresponding to a navigation option.

B.   Rejection of Group I Under 35 U.S.C § 103(a) as Obvious Over Dolan in View of Arora

In order to establish a *prima facie* case for obviousness it must be shown that the cited references teach or suggest each element of the claim. See *In Re Reinhart*, 189 USPQ 143, 147 (CCPA 1976) ("*prima facie'* case of obviousness is established where the teachings from the prior art itself would appear to have suggested the claimed subject matter").

Claims 1 and 6 include the elements of providing a webpage associated with a sister site and a sister site that provides a simplified navigation interface for that webpage. The Examiner states in Paper No. 12 on page 2 that these claims are unpatentable over Dolan and Arora. However, it is unclear from the discussion of Dolan provided on page 2, of paper no. 12 what, if any, elements of claims 1 and 6 the Examiner believes are taught by Dolan. The Examiner states

that "any page accessible throughout the tree of the hierarchy is a sister page." The Examiner goes on to state that "the creating of links for accessing sites creates a type of access to an associated webpage" and "this is a type of sister site." It is unclear from the Examiner's statements what aspects of Dolan are being asserted as teaching elements of claims 1 and 6. Also, the Examiner's characterization or use of the term "sister site" is amorphous and it is unclear what the Examiner interprets this term to mean. The word "sister" when used as an adjective means "related by or as if by sisterhood; closely related." See 'sister,' The American Heritage Dictionary of the English Language, Fourth Edition, Houghton Mifflin Company (2000). The Examiner discusses how webpages in Dolan are accessible to one another not how they are related to one another.

The Examiner asserts, citing col. 18, lines 18-35 and Figure 8C, that Dolan teaches providing links for accessing a sister site that permits simplified navigation. Figure 8C is a hierarchical graph of a set of webpages. Figure 8C depicts a navigation graph 806C which is generated by a navigation graph manager using data stored in a navigation file. See Dolan, col. 18, lines 20-24. This graph represents a hierarchy of individual webpages or files on a network using a set of icons. This navigation graph is generated by parsing an HTML document to find links therein. This parsed data is stored locally in the navigation file. See Dolan, col. 18, lines 17-20. This navigation file is then displayed in a graph format through a navigation window that is generated by a navigation graph manager. See Dolan, col. 18, lines 20-24. Thus, Dolan teaches a set of local applications that parses an HTML document in order to create a navigation graph. Dolan does not teach a sister *site* that provides a simplified navigation interface.

The term "site" is defined as a "The place where anything is fixed; situation; local position" See 'site,' Webster's Revised Unabridged Dictionary, MICRA, Inc. (1996, 1998). One of ordinary skill in the art reading the claim in light of the specification would understand that the term 'sister site' refers to a document or application located on a network, including the Internet, that is related to the webpage that it is associated with. Also, a 'sister site' implies that it is a discrete location from the site with which it is a 'sister.' Thus, the navigation graph of Dolan cannot be characterized as a site or a sister site as it is not a site on a network itself, but rather a graphical

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representation of data in a navigation file. The Examiner further confuses the discussion by stating Dolan "fails to teach a specific webpage for providing links to sister sites or any other sites." The Examiner thereby admits that Dolan does not teach a webpage as claimed in claim 1 that is associated with a sister site. Appellants believe that it is untenable to assert that Dolan teaches a sister site to a webpage but does not teach that webpage.

Arora does not cure these defects of Dolan. The Examiner asserts that Arora teaches a website containing links to various sister sites. As with Dolan, the Examiner does not clarify how Arora teaches a webpage associated with a sister site. Rather, the Examiner makes vague statements that Arora teaches a website linked to various sister sites citing Figure 4, elements 470, 472. Figure 4 of Arora displays a set of icons that represent webpages including icon 470 and icon 472 for a single website. A webpage is not in and of itself a website or a sister site. A website is "a set of interconnected webpages, usually including a home page, generally located on the same server, prepared and maintained as a collection of information by a person, group, or organization." See 'website', American Heritage Dictionary of the English Language, 4th Edition, Houghton Mifflin Company (2000). All of the pages displayed in Figure 4 are part of the same website and in accordance with the purpose of Arora demonstrate the hierarchy of that web site. Thus, the Examiner has not demonstrated that Arora teaches webpages associated with a sister site.

The Examiner argues that "adding links provides a simplified navigation interface for the webpage by the sister site." Page 3, Paper No. 12. The Examiner cites Figure 43 and col. 14, lines 35-40 as teaching linking webpages together and argues this demonstrates accessing sister sites. For the reasons mentioned above, links between individual webpages within a website do not constitute the accessing of sister sites or the association of a webpage with a sister site. Further, Appellants note that the standard manner in which a website is navigated is by using links between pages. Arora simply provides an automated and organized manner for linking the webpages of a website to one another. This is not equivalent to providing simplified navigation, rather it is standard navigation. Further, Arora teaches providing links for navigating a website not a webpage. Having additional links to other webpages does not simplify the navigation of a

webpage. Also, this simplified navigation, as characterized by the Examiner, is not provided by a sister site but is provided in the webpage itself. These links are generated by the process of Arora when the user publishes a site hierarchy, automatically adding links to each page according to the hierarchy. See col. 14, lines 49-61. Thus, Arora teaches a system for providing basic navigation of a web site based on a user defined hierarchy and not a simplified navigation of a single webpage that is provided by a sister site.

Further, the Examiner justifies the combination of Arora with Dolan because he states it allows a "user including the user not familiar with computer terminology to navigate to different links within the website in a time saving fashion," and "both Dolan and Arora ... teach the basic concepts for constructing pages for use on the World Wide Web." Arora is an application for editing the hierarchy of web site. Dolan is an application for generating a hierarchical graph of retrieved files on a network. Thus, Appellants believe that the Examiner's statements that Dolan involves the construction of pages on the world wide web is inaccurate. Dolan does not teach creating or constructing pages for use on the web. Rather, Dolan teaches cataloging the hierarchy of files. The navigation graph of Dolan is an application to be used in conjunction with a network client. See Figure 1, Figure 3, and Figure 4, col. 5, lines 1-23, col. 8, lines 30-54. Neither Arora, nor Dolan teach a manner in which the hierarchical graph can be turned into a webpage or inserted into a webpage that can be characterized as a sister site. Assuming for the sake of argument that the manner in which such a conversion could be made was taught by the cited references, this modification of Dolan changes the principle of operation of the reference. The hierarchical graph of Dolan would no longer function as a graphical representation of files on a network that is generated from a navigation file stored locally on a user's machine. This modification renders the combination of references improper. See *In Re Raitti*, 270 F.2d, 810, 123 USPQ 249 (CCPA 1959) (The court reversed a rejection holding the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle in which the [primary reference] construction was designed to operate.")

Claim 25 depends from independent claim 1 and incorporates the limitations thereof. Thus, at least for the reasons mentioned in regard to claim 1 above, claim 25 is not obvious over Dolan in view of Arora. Accordingly, Appellants believe that the Examiner has failed to establish a *prima facie* case of obviousness for the claims of Group I. Accordingly, it is requested that the obviousness rejection of the claims of Group I be overturned.

C. Rejection of Group II Under 35 U.S.C § 103(a) as Obvious over Dolan in View of Arora and in Further View of Schein

In regard to claims 2 and 7, these claims depend from independent claims 1 and 6, respectively and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to claims 1 and 6, these claims are not obvious over Dolan in view of Arora.

In addition, these claims include the elements of accepting an alphanumeric indication of a navigation option displayed by a simplified navigation interface and serving a matrix layer corresponding to the navigation option. The Examiner admits that Dolan fails to teach or suggest a method for entering alphanumeric indications associated with a navigation option. The Examiner relies on Arora to teach "a method where a user can enter an alphanumeric indication." The Examiner argues that the universal resource locator (URL) illustrated in Figure 43 teaches a navigation option and that the naming of a node using the properties of a window is a method wherein the processor accepts an alphanumeric indication of a navigation option. In this regard, the Examiner has failed to read the claim as a whole. Claim 2 claims a process of accepting an alphanumeric indication of a navigation option, the navigation option displayed by the simplified navigation interface. The URL illustrated in Figure 43 is not part of a simplified navigation interface for a webpage. Rather, Figure 43 is a set of linked dialogue boxes. The Examiner has not indicated and Appellants have been unable to discern any part of Arora that teaches or suggests the linked dialogue boxes are part of a simplified navigation interface for a webpage. Further as discussed in regard to Group I, the simplified navigation interface is a simplified navigation interface provided by a sister site. The Examiner has not indicated and Appellants have been

unable to discern any part of Arora that teaches or suggests that these plurality of dialogue boxes are part of a simplified navigation interface provided by a sister site.

The Examiner argues that Arora teaches a matrix "that corresponds to a navigation option" citing Figure 40 and cols. 14, lines 5-23 of Arora. The matrix of Figure 40 and col. 13, lines 19 through col. 14, line 23 is an intermediate data structure used to create an HTML table as part of the publishing of a webpage. See col. 13, line 19 through 24. Thus, as an intermediate data structure, no part of the matrix taught by Arora corresponds to a navigation option as displayed by a simplified navigation interface provided by a sister site for a webpage as claimed in claims 2 and 7. The Examiner's characterization of the matrix of Arora on page 4 of Paper No. 12 is not supported by the cited section of Arora, col. 14, lines 5-23. This section of Arora clearly describes how a matrix is used to generate an HTML table. Specifically, how the matrix is used to determine the size of rows and columns in the HTML table. The HTML table is designed to display the elements of a webpage. The Examiner has not indicated and Appellants have been unable to discern any part of this section of Arora that teaches the matrix is part of a simplified navigation interface provided by a sister site.

The Examiner admits that neither Dolan nor Arora teach a simplified navigation interface that employs a multi-layered matrix. The Examiner relies on Schein to teach this element of claims 2 and 7. The Examiner cites only Figures 14c and 14d as supporting his assertion that Schein teaches a simplified navigation interface with a multi-layered matrix. Figures 14c and 14d illustrate a simple dialogue box for entering a password and purchasing a movie for a video on demand system. See Figures 14c and 14d. It is unclear in what manner the Examine believes that the illustrations 14c and 14d teach a multi-layered matrix navigation as part of a simplified navigation interface. The Appellants are unable to discern any part of Figures 14c or 14d that represent a multi-layered matrix or simplified navigation interface. Again, Appellants believe that the Examiner has failed to consider the claim as a whole. The Examiner has not identified any part of Schein that teaches a multi-layered matrix as a part of a simplified navigation interface for a

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webpage or that such interface is provided by a sister site. This also applies to the Examiner's comment that <u>Schein</u> demonstrates the display of alphanumeric text that describes a navigation option. The Examiner has not shown any part of <u>Schein</u> that teaches this navigation option as part of a simplified interface for a webpage.

The Examiner justifies the combination of <u>Schein</u> with <u>Arora</u> as allowing the user to navigate various audio visual programs offered using a user friendly method that requires a minimum amount of additional instructions." However, the Examiner is using <u>Schein</u> to modify <u>Dolan</u> and <u>Arora</u>. <u>Dolan</u> is not related to the navigation of audiovisual programming options such as the video on demand taught by <u>Schein</u>. Rather, <u>Dolan</u> teaches a system for cataloguing files. It is unclear why one of ordinary skill in the art would be motivated to combine <u>Schein</u> with <u>Dolan</u> when the Examiner has not offered any rationale that would set forth the desirability of such a combination. Therefore, Appellants believe the Examiner has failed to establish a *prima facie* case of obviousness for the claims of Group II. The claims of Group II are separately patentable because they include additional elements not taught by the cited references. Accordingly, it is requested that the obviousness rejection of Group II be overturned.

D. <u>Rejection of Group III Under 35 U.S.C § 103(a) as Obvious over Dolan in view of Arora and in Further View of Schein</u>

Claims 43 and 44 depend from independent claims 1 and 6 and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to Group I above, these claims are not obvious over <u>Dolan</u> in view of <u>Arora</u>. Namely, <u>Dolan</u> in view of <u>Arora</u> does not teach or suggest providing a webpage associated with a sister site or providing a simplified navigation interface for the webpage by the sister site. The Examiner has not indicated and Appellants have been unable to discern any part of <u>Schein</u> that teaches these elements of claims 43 and 44.

Further, the Examiner admits <u>Dolan</u> and <u>Arora</u> fail to teach a navigation interface that includes an email form. The Examiner relies on <u>Schein</u> for teaching this element of claims 43 and 44. The Examiner asserts that Figure 15C of <u>Schein</u> illustrates a viewer for reading emails.

However, a viewer for reading email is not equivalent to an email form. An email form is used in the generation of an email message. Further, the Examiner has not indicated and Appellants have been unable to discern any part of Figure 15c or the accompanying description at col. 19, lines 31-50 that indicates the email utilities of <u>Schein</u> are a part of a simplified navigation interface. Thus, <u>Dolan</u> asserts that the Examiner has failed to establish that <u>Schein</u> teaches a simplified navigation interface that includes an email form. Thus, the Examiner has failed to establish that the cited references combined teach this element of claims 43 and 44.

Similar to the reasons mentioned in regard to Group II, <u>Schein</u> is improperly combined with <u>Dolan</u> and <u>Arora</u>. The Examiner states that it would be obvious to combine <u>Schein</u> with <u>Dolan</u> and <u>Arora</u> because "doing so allows the user to access personal messages using a user friendly message that requires a minimum amount of additional instruction." However, the email interface of <u>Schein</u> is used for notifying the user of new services that are being provided. See Figure 15c. The Examiner uses <u>Schein</u> to modify <u>Dolan,</u> which teaches a hierarchical catalog of retrieved files on a network. It is unclear what purpose an email interface would serve in such a system. The Examiner has not indicated any part of the cited references that teaches the desirability of including an email interface in a hierarchical catalog of accessed items on a network. Therefore, Appellants believe that the Examiner has failed to establish a *prima facie* case of obviousness for claims 43 and 44. Group III is separately patentable because it includes additional element not taught or suggested by the cited references. Accordingly, it is requested that the obviousness rejection of Group III be overturned.

E. Rejection of Group IV Under 35 U.S.C § 103 as Obvious over Dolan in View of Arora and Further in View of Hennemun and Further in View of Call

Claims 3 and 8 depend from independent claims 1 and 6, respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to Group I, these claims are not obvious over <u>Dolan</u> in view of <u>Arora</u>. Namely, <u>Dolan</u> and <u>Arora</u> fail to teach or suggest providing a webpage associated with the sister site and providing a simplified navigation interface

for the webpage by the sister site. The Examiner has not indicated and Appellants have been unable to discern any part of <u>Heinemann</u> or <u>Call</u> that teaches or suggests these elements of claims 3 and 8. Therefore, these elements of claims 3 and 8 are not taught by the cited references.

In addition, claims 3 and 8 include the elements of transcoding an HTML page into an XML page and applying a document type definition (DTD) to the XML page. The Examiner admits that the <u>Dolan</u> and <u>Arora</u> fail to disclose transcoding an HTML page into an XML page or applying a DTD to the XML page. The Examiner relies on <u>Heinemann</u> for teaching the transcoding of an HTML page into an XML page. However, <u>Heinemann</u> in fact teaches only approximating an HTML table as an XML structure. Despite the title of this section, true conversion of HTML code to XML code is not taught. In the discussion accompanying the code on pages 2 and 3, it is indicated that additional information is included in the XML document from what is included in the HTML document. This information is extrinsic to the HTML document. The point of the exercise is to demonstrate how the XML document can more clearly and succinctly categorize the data that each document is intended to represent. One of ordinary skill in the art reading <u>Heinemann</u> would understand that conversion of HTML code to XML code as claimed in claims 3 is not taught by this reference. Specifically, there is no teaching in <u>Heinemann</u> of *transcoding* HTML into XML. Rather, despite the title of the cited section of <u>Heinemann</u>, this reference teaches a single example of approximating an HTML table in XML. This reference does not teach any method for manually achieving even this approximation.

<u>Call</u> does not cure this defect of <u>Arora</u>, <u>Dolan</u> and <u>Heinemann</u>. The Examiner has not indicated and Appellants have been unable to discern any part of <u>Call</u> teaches transcoding an HTML page into an XML page. Therefore, <u>Dolan</u> in view of <u>Arora</u>, <u>Heinemann</u> and <u>Call</u> does not teach or suggest each of the elements of claims 3 and 8.

In regard to claims 4, 5, 9 and 10, these claims depend from claims 3 and 4 respectively and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to claims 3 and 4, these claims are not obvious over <u>Dolan</u> in view of <u>Arora</u>, <u>Heinemann</u> and <u>Call</u>. The claims of Group IV are separately patentable because they include additional elements not taught by

the cited references. Accordingly, it is requested that the obviousness rejection of Group IV be overturned.

F.   Rejection of Group V Under 35 U.S.C § 103 as Obvious over Dolan in View of Arora and Further in View of Croÿ

Claims 23, 24, 26 and 27 depend from independent claims 1 and 6 and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to Group I, these claims are not obvious over Dolan, in view of Arora. Croÿ does not cure these defects of Arora and Dolan. Namely, the Examiner has not indicated and the Appellants have been unable to discern any part of Croÿ that teaches or suggestes providing a webpage associated with a sister site or providing a simplified navigation interface for the webpage by the sister site.

In addition, the Examiner has failed to substantiate the motivation for combining Croÿ with Dolan and Arora. The Examiner states in regard to claims 23 and 26, that it would have been obvious to one of ordinary skill in the art at the time to "combine displaying the navigation interface on a television set, the television set having a remote control taught by Croÿ with the webpage navigation disclosed by Dolan and Arora," and that doing so "allows the ordinary user to make selections without actually making a physical adjustment using controls physically connected to the television itself." The Examiner has not indicated any part of Croÿ, Dolan or Arora that teaches or suggests the desirability of displaying a simplified navigation interface for a webpage on a television set or making a selection utilizing a remote control. Similarly, the Examiner has failed to substantiate the assertion that it is desirable to display a simplified navigation interface on a portable wireless device as claimed in claims 24 and 27 in order to "enable the user to make selections from a remote location." The mere fact that references can be combined or modified does not render the result in combination obvious unless the prior art suggests the desirability of the combination. See *In Re Mills*, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990). Thus, the claims are separately patentable because they include additional elements not taught by Arora and Dolan and for which the asserted combination with Croÿ is inappropriate. Accordingly, it is requested that the obviousness rejection of claims 23, 24, 26 and 27 be overturned.

G. Rejection of Group VI Under 35 U.S.C § 103(a) as Unpatentable over Dolan in View of Arora and Further in View of Donelly

Claims 28, 31, 32 and 37 and 38 depend from independent claims 1 and 6, and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to claims 1 and 6, these claims are not obvious over Dolan in view of Arora. Namely, Dolan in view of Arora does not teach or suggest providing a webpage associated with a sister site or providing a simplified navigation interface for that webpage by the sister site. Donnelly does not cure this defect of Dolan and Arora. Appellants have been unable to discern any part of the cited sections of Donnelly that teach or suggest a webpage associated with a sister site for providing a simplified navigation interface for a webpage by a sister site. Thus, Dolan, in view of Arora and in further view of Donnelly does not teach or suggest each of the elements of claims 28, 31, 32, 37 and 38. Therefore, the Examiner has failed to establish a *prima case* of obviousness for Group VI. Accordingly, it is requested that the obviousness rejection of Group VI be overturned.

H. Rejection of Group VII Under 35 U.S.C § 103(a) as Unpatentable over Dolan in View of Arora and Further in View of Donnelly

Claims 29 and 30 depend from independent claims 1 and 6, and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to Group I, claims 29, 30 and 40 are not obvious over Dolan in view of Arora. Further, Donnelly does not cure these defects of Dolan and Arora. Specifically, the cited sections of Dolan do not teach or suggest a webpage associated with a sister site or providing simplified navigation interface for a webpage by a sister site.

In addition, claims 29 and 30 include the elements of a webpage containing commercial content. The Examiner admits on page 8 of paper no. 12 that Dolan and Arora fail to teach a webpage containing commercial content. Rather, the Examiner relies upon Donnelly for teaching a webpage containing commercial content citing col. 4, lines 50-63 of Donnelley. The cited section in Donnelly states "an advertisement (ad) database is also created from commands including advertising text and logos including IDs for linking the ads to shows displayed in the EPG." The Examiner fails to consider the claims as a whole, because the Examiner has not established that

commercial content has been taught in a webpage that has an associated sister site that provides a simplified navigation interface for that webpage.

The Examiner has failed to establish the requisite desirability that provides the motivation or suggestion to combine the cited references to teach or suggest the subject matter of claims 29 and 30. The Examiner states, in Paper no. 12, page 8, that combing Donnelly with Dolan and Arora "allows advertisers to make announcements on user viewable web pages." However, the Examiner has not established where in Donnelly, Dolan or Arora the motivation to include commercial content in a webpage that has a simplified navigation interface provided by a sister site is taught or suggested. A webpage having a simplified navigation interface may divert a user from seeing much of the original content of the webpage, thus combining a webpage with commercial content with a simplified navigation interface is a separate consideration from providing a stand alone webpage with commercial content that has not been addressed by the Examiner. Thus, the Examiner has not established the desirability of combining the cited references to teach or suggest the elements of claims 29 and 30. Therefore, Dolan andArora cannot be properly combined with Donnelly to teach or suggest each of the elements of claims 29 and 30. Claims 29 and 30 are separately patentable because they include additional elements that are not taught or suggested by the cited references. Accordingly, it is requested that the obviousness rejection of Group VII be overturned.

I. Rejection of Group VIII Under 35 U.S.C § 103(a) as Unpatentable over Dolan in View of Arora and Further in View of Donnelly

Claims 33, 34, 47 and 48 depend from independent claims 1 and 6, and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to Group I, these claims are not obvious over Dolan in view of Arora. Further, Donnelly does not cure the defects of Dolan and Arora. Specifically, Donnelly does not teach or suggest providing a webpage associated with a sister site that provides a simplified navigation interface for the webpage.

In addition, these claims include the elements of providing a second webpage associated with the sister site that provides a simplified navigation interface for the second webpage. The

Examiner cites col. 4, lines 57-63 of Donnelly in support of his assertion that Donnelly teaches these elements of claims 33 and 34. However, this section of Donnelly discusses an Internet database that includes URLs of Internet sites that are related to programs that are displayed on an EPG. This section further describes that the EPG allows access to a linked cite. Appellants have been unable to discern any teaching in this section of Donnelly of a simplified navigation interface for a second webpage that is provided by a sister site.

The Examiner states that "the EPG provides a simplified navigation database for accessing webpages by the sister site." This characterization of the cited section of Donnelly is inaccurate. At the very least, this characterization does not reflect the plain language of the cited section in Donnelly. The Examiner's assertion is inapposite in regard to establishing a *prima facie* case of obviousness for claims 33 and 34. Claims 33 and 34 claim providing a simplified application interface for a webpage, not for accessing webpages. Claims 33 and 34 claim a simplified navigation interface that is provided by a sister site, not a simplified navigation database that allows a sister site to access webpages. According to the cited section of Donnelly, (col. 4, lines 37-63) the EPG allows access to "a linked site." Appellants have been unable to discern any part of the cited section of Donnelly that teaches a first and second webpage that are both associated with a sister site that provides a simplified navigation interface for each. Therefore, Dolan in view of Arora and in further view of Donnelly does not teach or suggest each of the elements of claims 33 and 34.

Claims 47 and 48 depend from claims 33 and 34 and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to claims 33 and 34 above, these claims are also not obvious over Dolan in view of Arora and in further view of Donnelly. The claims of Group VIII are separately patentable because they include additional elements that are not taught or suggested by the cited references. Accordingly, it is requested that the obviousness rejection of Group VIII be overturned.

J.   **Rejection of Group IX Under 35 U.S.C § 103(a) as Unpatentable over Dolan in View of Arora and Further in View of Donnelly**

Claims 35 and 36 depend from independent claims 1 and 6, respectively, and incorporate the limitations thereof. Thus, at least for reasons mentioned in regard to Group I, these claims are not obvious over Dolan in view of Arora. Further, Donnelly does not cure these defects of Dolan and Arora. Specifically, Donnelly does not teach or suggest providing a webpage associated with a sister site or providing a simplified navigation interface for the webpage by the sister site.

In addition, claims 35 and 36 includes the elements of a simplified navigation interface including the use of primary navigation options. The Examiner argues that buttons and icons for accessing screens and programs may be considered primary navigation options citing col. 4, lines 37-63 of Donnelly. However, the cited section of Donnelly does not discuss any buttons or icons for accessing various screens or programs. Further, it is well established that the words of a claim are given their plain meaning unless they are defined in the specification. In regard to claims 35 and 36, the term "primary navigation option" is explicitly defined in the specification as "navigation options that necessarily change successive matrix layers, changing from general to more specific with increases in depth in the matrix." See page 16, lines 17-19 of the specification. Thus, the Examiner has failed to establish that Dolan in view of Arora and in further view of Donnelly teaches or suggests primary navigation options as defined in the specification and used in claims 35 and 36. Therefore, claims of Group IX are separately patentable because they include additional elements that are not taught or suggested by the cited references. Accordingly, it is requested that the obviousness rejection of Group IX be overturned.

K.   **Rejection of Group X Under 35 U.S.C § 103(a) as Unpatentable over Dolan in View of Arora, Schein and Donnelly**

Claim 39 depends from claim 2 and incorporates the limitations thereof. Thus, at least for the reasons mentioned in regard to Group II, this claim is not obvious over Dolan in view of Arora and Schein. Donnelly does not cure these defects of Dolan, Arora and Schein. The Examiner has not indicated and the Appellants have been unable to discern any part of the cited section of

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<u>Donnelly</u> that teaches or suggests providing a webpage associated with a sister site, a sister site that provides a simplified navigation interface for the webpage, serving a matrix layer corresponding to a navigation option or accepting an alphanumeric indication of a navigation option displayed by the navigation interface.

In addition, claim 39 includes the elements of displaying purchasing information related to at least one item via the matrix layer. The cited section of <u>Dolan</u> does not discuss a matrix layer. Thus, the cited section of <u>Dolan</u> does not teach or suggest displaying purchasing information related to an item via a matrix layer. Therefore, <u>Dolan</u>, in view of <u>Arora</u>, <u>Schein</u> and <u>Donnelly</u> does not teach or suggest each of the elements of claim 39. Group X is separately patentable because it includes additional elements not taught or suggested by the cited references. Accordingly, it is requested that the obviousness rejection of Group X be overturned.

L.   <u>Rejection of Group XI Under 35 U.S.C § 103(a) as Unpatentable over Dolan in View of Arora and Further in View of Donnelly</u>

Claims 41 and 42 depend from independent claims 1 and 6, respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to Group I, these claims are not obvious over <u>Dolan</u> in view of <u>Arora</u>. Donnelley does not cure these defects of <u>Dolan</u> and <u>Arora</u>. Specifically, <u>Donnelly</u> does not teach or suggest providing a webpage associated with a sister site or providing a simplified navigation interface for the webpage by the sister site.

In addition, claims 41 and 42 include the elements of a search form in a simplified navigation interface. Appellants reviewed the cited section of <u>Donnelly</u> (col. 7, lines 20-40) but have been unable to discern any part therein that discusses a search form. Rather, the cited section of <u>Donnelly</u> discusses the method in which a search of program information is performed and the manner in which it is sorted. However, Appellants have been unable to discern any part of this section that discusses the use of a search form in this process. Further, the Examiner has not indicated and Appellants have been unable to discern any part of the cited sections of <u>Donnelly</u> that teaches a search form as part of a simplified navigation interface as provided by a sister site. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness for claims 41 and

42. Claims of Group XI are separately patentable because they include additional elements that are not taught by the cited references. Accordingly, it is requested that the obviousness rejection of Group XI be overturned.

M. **Rejection of Group XII Under 35 U.S.C § 103(a) as Obvious over Dolan in View of Arora, Schein and Donnelly**

Claims 45 and 46 depend from claims 2 and 7 and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to Group II, these claims are not obvious over Dolan in view of Arora and Schein. Donnelly does not cure these defects of Dolan, Arora and Schein. Specifically, the cited sections of Donnelly do not teach or suggest the elements of providing a webpage associated with the sister site that provides a simplified navigation interface for the webpage by the sister site, serving a matrix layer corresponding to a navigation option or accepting an alphanumeric indication of a navigation option displayed by the navigation interface. Therefore, Dolan in view of Arora, Schein and Donnelly does not teach or suggest each of the elements of claims 45 and 46. Accordingly, it is requested that the obviousness rejection of Group XII be overturned.

N. **Rejection of Group XIII as Obvious Over Dolan in View of Arora and Further in View of Donnelly**

Claim 40 depends from independent claim 6 and incorporates the limitations thereof. Thus, at least for the reasons mentioned in regard to Group I, this claim is not obvious over Dolan in view of Arora. Donnelly does not cure these defects of Dolan and Arora. Specifically, Donnelly does not teach or suggest providing a webpage associated with a sister site and providing the simplified navigation interface for the webpage by the sister site.

In addition, as discussed in regard to Group X, Donnelly does not teach or suggest displaying purchasing information related to at least one item via a matrix layer. Appellants have been unable to discern any part of the cited section of Donnelley that discusses a matrix layer. Thus, Appellants have been unable to discern any part of Donnelly that teaches or suggests

displaying purchasing information regarding at least one item via a matrix layer. Thus, <u>Dolan</u> in view of <u>Arora</u> and <u>Donnelly</u> does not teach or suggest each of the elements of claim 40. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness for Group XIII. Group XIII is separately patentable because it includes additional elements that are not taught by the cited references. Accordingly, it is requested that the obviousness rejection of Group XIII be overturned.

IX.   CONCLUSION AND RELIEF

Accordingly, it is requested that the rejections of Groups I-XIII based on 35 U.S.C. § 103(a) be overturned.

Respectfully submitted,

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Lillian E. Rodriguez   July 11, 2003

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X. APPENDIX

The claims involved in this Appeal are as follows:

1. A method comprising:

    providing a webpage associated with a sister site; and

    providing a simplified navigation interface for the webpage by the sister site.

2. The method of claim 1 wherein the simplified navigation interface employs a multi-layered matrix navigation, the method further comprising:

    accepting an alpha numeric indication of a navigation option, the navigation option displayed by the navigation interface; and

    serving a matrix layer corresponding to the navigation option.

3. The method of claim 1 further comprising:

    transcoding a hyper text markup language (HTML) page into an extensible markup language (XML) page; and

    applying a document type definition (DTD) to the XML page.

4. The method of claim 3 further comprising:

    formatting the XML page using extensible style language (XSL); and

    transforming the formatted page into one of extensible hyper text markup language (XHTML) and HTML.

5. The method of claim 3 further comprising:

    applying a cascading style sheet (CSS) to the XML page.

6. A computer readable storage media containing executable computer program instructions which when executed cause a digital processing system to perform a method comprising:

providing a webpage associated with a sister site; and

providing a simplified navigation interface for the webpage by the sister site.

7. The computer readable storage media of claim 6 which when executed cause a digital processing system to perform a method further comprising:

accepting an alpha numeric indication of a navigation option, the navigation option displayed by the navigation interface; and

serving a matrix layer of a multi-layered matrix corresponding to the navigation option.

8. The computer readable storage media of claim 6 which when executed cause a digital processing system to perform a method further comprising:

transcoding a hyper text markup language (HTML) page into an extensible markup language (XML) page; and

applying a document type definition (DTD) to the XML page.

9. The computer readable storage media of claim 8 which when executed cause a digital processing system to perform a method further comprising:

formatting the XML page using extensible style language (XSL); and

transforming the formatted page into one of extensible hyper text markup language (XHTML) and HTML.

10. The computer readable storage media of claim 8 which when executed cause a digital processing system to perform a method further comprising:

applying a cascading style sheet (CSS) to the XML page.

23. The method of claim 1, further comprising:

displaying the navigation interface on a television set, the television set having a remote control.

24. The method of claim 1, further comprising:

displaying the simplified navigation interface on a portable wireless device.

25. The method of claim 1, wherein a sister site is a server on a network.

26. The computer readable storage media of claim 6, further comprising:

displaying the navigation interface on a television set, the television set having a remote control.

27. The computer readable storage media of claim 6, further comprising:

displaying the simplified navigation interface on a portable wireless device.

28. The computer readable storage media of claim 6, wherein a sister site is a server on a network.

29. The method of claim 1, wherein the webpage contains commercial content.

30. The computer readable storage media of claim 6, wherein the webpage contains commercial content.

31. The method of claim 1, further comprising:

displaying the navigation interface via a computer system. .

32. The computer readable medium of claim 6, further comprising:
displaying the navigation interface via a computer system.

33. The method of claim 1, further comprising:
providing a second webpage associated with the sister site; and
providing the simplified navigation interface for the second webpage by the sister site.

34. The computer readable medium of claim 6, further comprising:
providing a second webpage associated with the sister site; and

providing the simplified navigation interface for the second webpage by the sister site.

35.   The method of claim 1, wherein the simplified navigation option includes the use of primary navigation options.

36.   The computer readable medium of claim 6, wherein the simplified navigation option includes the use of primary navigation options.

37.   The method of claim 1, wherein the webpage is publicly accessible.

38.   The computer readable medium of claim 6, wherein the webpage is publicly accessible.

39.   The method of claim 2, further comprising:

displaying purchasing information related to at least one item via the matrix layer.

40.   The computer readable medium of claim 6, further comprising:

displaying purchasing information related to at least one item via the matrix layer.

41.   The method of claim 1, wherein the simplified navigation interface includes a search form.

42.   The computer readable medium of claim 6, wherein the simplified navigation interface includes a search form.

43.   The method of claim 1, wherein the simplified navigation interface includes an email form.

44.   The computer readable medium of claim 6, wherein the simplified navigation interface includes an email form.

45.   The method of claim 2, further comprising:

displaying a purchasing interface in response to receiving a navigation option input.

46.   The method of claim 2, further comprising:

displaying a purchasing interface in response to receiving a navigation option input.

47.   The method of claim 33, wherein the simplified navigation interface includes a multi-layered matrix, and

wherein each matrix layer includes multiple cells.

48.   The method of claim 34, wherein the simplified navigation interface includes a multi-layered matrix, and

wherein each matrix layer includes multiple cells.